

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES THOMAS JOHNSON,

Defendant.

Case No.: 2:01-cr-00228-RLH-LRL

**ORDER**

(Petition to Adjust Installment Payments –  
# 80)

Before the Court is Defendant James Thomas Johnson's **Petition to Adjust Installment Payments** (#80, filed July 23, 2013). The Court has also considered the Government's Opposition (#82, filed August 1, 2013). For the reasons discussed below, the Court denies Defendant's Motion.

On December 21, 2001, the Court sentenced Defendant to 81 months imprisonment and ordered the Defendant to pay a \$100.00 special assessment and a \$7,500.00 fine. The Court specified that the fine was to be paid at a rate of 50% of Defendant's institutional wages followed by 10% of gross wages, subject to adjustment on ability to pay. Defendant requests that his payment schedule be changed to allow him the financial ability "to re-establish communications, solidify existing relationships, and establish a stronger support base for his release."

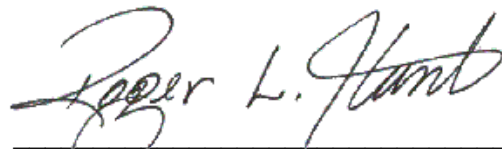
1 Under 18 U.S.C. § 3572(d)(3), a district court has jurisdiction to consider a petition  
2 filed by a convicted defendant to change the payment schedule on a fine. *See United States v.*  
3 *Goode*, 342 F.3d 741, 743 (7th Cir. 2003). The Court may adjust the payment schedule upon a  
4 showing of a materially adverse change in economic circumstances. *See* 18 U.S.C. § 3572(d)(3);  
5 *Goode*, 342 F.3d at 744.

6 Defendant has failed to show any materially adverse change in economic  
7 circumstances that would justify a change to his payment schedule. Defendant supplies his  
8 financial information, establishing that he has a job and that 50% of his wages are withheld for  
9 payment of his fine. Defendant requests the change so that he may spend more money on phone  
10 calls and emails maintaining and reestablishing relationships. However, this reason is insufficient  
11 to reduce the payment schedule. *See, e.g., United States v. Taniguichi*, No. 2:00-cr-050, 2008 WL  
12 222513, at \*1-2 (S.D. Ohio Jan. 25, 2008).

13 Accordingly, and for good cause appearing,

14 IT IS HEREBY ORDERED that Defendant James Thomas Johnson's **Petition to**  
15 **Adjust Installment Payments (#80)** is DENIED.

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17 Dated: August 28, 2013.

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21 **ROGER L. HUNT**  
22 **United States District Judge**  
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